

U.S. Patent Application No. 09/832,229
Reply to Office Action dated July 28, 2005

PATENT
450100-03185

REMARKS/ARGUMENTS

Reconsideration and withdrawal of the rejections of the application are respectfully requested in view of the amendments and remarks herewith, which place the application in condition for allowance. The present amendment is being made to facilitate prosecution of the application.

I. STATUS OF THE CLAIMS AND FORMAL MATTERS

Claims 1-3, 5-8, 10-15, 17, 19-21, 23-26, 28-31 and 33 are currently pending. Claims 1, 6, 15, 17, 19, 24, 31 and 33 are independent. Claims 1, 5, 6, 10, 15, 17, 19, 23, 24, 28, 31 and 33 are hereby amended. Claims 4, 9, 16, 18, 22, 27, 32 and 34-69 have been canceled without prejudice or disclaimer of subject matter. No new matter has been introduced.

It is submitted that these claims are in full compliance with the requirements of 35 U.S.C. §112. Support for this amendment is provided throughout the Specification and Drawings as originally filed, specifically on pages 29-31 and Figures 7-9. Changes to claims are not made for the purpose of patentability within the meaning of 35 U.S.C. §101, §102, §103, or §112. Rather, these changes are made simply for clarification and to round out the scope of protection to which Applicants is entitled.

II. REJECTIONS UNDER 35 U.S.C. §103(a)

Claims 1, 3, 6, 8, 13, 15, 19, 21, 24 and 31 were rejected allegedly under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 6,522,672 to Matsuzaki et al. (hereinafter, merely "Matsuzaki") in view of U.S. Patent 6,522,342 to Gagnon et al. (hereinafter, merely "Gagnon").

U.S. Patent Application No. 09/832,229
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Claims 4, 9, 16, 22, 27 and 32 were rejected allegedly under 35 U.S.C. 103(a) as being unpatentable over Matsuzaki in view of Gagnon and in further view of U.S. Patent 6,211,901 to Imajima et al. (hereinafter, merely "Imajima").

Applicants respectfully traverse the above-described rejections for the following reasons.

Claim 1 recites, *inter alia*:

"A data transmission device....:

a multiplexer for multiplexing the first data stream and the second data stream;

a transmitter for transmitting the multiplexed data stream that has been multiplexed by the multiplexer...

wherein a maximum combined transmission rate for said multiplexed data stream is 24 Mbps." (emphasis added)

As understood by Applicants, Matsuzaki relates to a multiplexer device for multiplexing multimedia data which is encoded to be transmitted or to be accumulated. The multiplexer device comprises a controller for controlling multiplexing of each of the media information according to the multiplexing means based on the priority decided by the priority deciding means.

As understood by Applicants, Gagnon relates to a multi-channel broadcast system that transmits a video/text/graphic-based program guide data stream that is used at viewer stations to generate a user interface that facilitates a user's selection of various programs and services. Gagnon is particularly applicable to a receiver station having sufficient processing power to process and generate a program guide display and associated features.

U.S. Patent Application No. 09/832,229
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PATENT
450100-02185

As understood by Applicants, Imajima relates to a system of effectively controlling a video-on-demand service where a requested title mechanism recognizes a title of a video requested by a subscriber. A VOD service state monitoring mechanism determines whether or not the broadcast of the video is to be provided in either the FVOD or NVOD service. Also whether if there is an available channel for the broadcast. An ATM switch is connected to VOD servers where an output port is connected to CLADs (cell assembly and disassembly). A CLAD multiplexes video data obtained by removing information from the cell and outputs the video data.

Furthermore, Imajima teaches away from the invention as recited in claim 1 by removing information and outputting video data.

Applicants submit that Matsuzaki, Gagnon and Imajima, taken alone or in combination, fail to teach or suggest this feature of claim 1. Specifically, Applicants submit that there is no teaching of generating a second data stream that includes audio data and video data, where the first data stream and the second data stream are multiplexed then transmitted with a maximum combined transmission rate for the multiplexed data stream at 24 Mbps, as recited in claim 1.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 6, 15, 17, 19, 24, 31 and 33 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1, 6, 15, 17, 19, 24, 31 and 33 are patentable.

U.S. Patent Application No. 09/832,229
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450100-03185

III. DEPENDENT CLAIMS

The other claims are dependent from one of the independent claims, discussed above, and are therefore believed patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

CONCLUSION

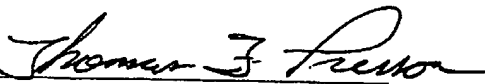
In the event the Examiner disagrees with any of statements appearing above with respect to the disclosure in the cited reference, or references, it is respectfully requested that the Examiner specifically indicate those portions of the reference, or references, providing the basis for a contrary view.

Please charge any additional fees that may be needed, and credit any overpayment, to our Deposit Account No. 50-0320.

In view of the foregoing amendments and remarks, it is believed that all of the claims in this application are patentable and Applicants respectfully requests early passage to issue of the present application.

Respectfully submitted,

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